PAM. Rooth
AFRICA
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195

Opening the Flood-Gates:

THE REPORT OF THE ROOTH SELECT COMMITTEE ON LIQUOR.

COMPRISING:

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Reprinted from "THE TRIBUNE" *of June, July and August, and now published by the*

SOUTH AFRICAN TEMPERANCE ALLIANCE,
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CAPETOWN.

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OF THE

South African Temperance Alliance

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to enable it to fight the dangerous and disgraceful recommendation of the Rooth Report that Government Canteens be established for the sale of liquor to Natives.

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THE CHALLENGE.

We shall not attempt in this issue to examine and controvert the finding of the Rooth Select Committee on the Transvaal Liquor Law—that is a task which may prove to need for its full accomplishment an ampler space than THE TRIBUNE can at any time afford. All that we ask to do now is to call attention to the gravity of the challenge thrown down, to the nature and magnitude of the forces arrayed behind the Report, and to the correspondingly powerful effort which it will be necessary to put forth if the chief recommendation of the Select Committee is to be prevented from passing into law. That recommendation is ostensibly for the Transvaal alone, and stops short of the sale of *spirits* to natives, but it is based on principles which cannot be limited in this manner. Once these principles are allowed, the extension of the system which it is sought to establish in the Transvaal to all other parts of the Union, and the provision of the stronger intoxicating drinks for native use, must follow as a matter of course. If logical consistency be scouted, hard practical considerations will nevertheless intervene in imperative fashion. But there is more than the general overthrow of the existing principle of Prohibition to natives involved. The Rooth Report stands also for the introduction, sectionally it is true, but admitting the principle, of Nationalization of the Liquor Traffic in South Africa.

Behind the Report are, first of all, the whole of the liquor interests in South Africa. There are two new features which distinguish the present "trade" forces from those we have had to fight in the past. Since the experiments of Mr. Zoccola proved that wine and brandy farming could be remuneratively undertaken in the Transvaal itself, and Mr. Rooth was so obliging as to bring forward in Parliament the Bill which gives Mr. Zoccola and his prospective imitators the right to sell their products, many of the Transvaal farmers have awakened to the fact that here at their doors lies a new opportunity, and they are clamouring to have their market secured before they plant their vines. In addition, we understand that one of the most powerful and menacing forces at the back of the anti-Prohibition movement has been a new brewing combine, which invests with an entirely new significance the proposal to give the native ordinary beer, a beverage he at present shows no signs of wanting. But there are wheels within wheels, and if the new move comes off the position in this respect is to be altered. Then, both the Johannesburg daily papers are in favour of the change, and the long campaign carried on by the *Rand Daily Mail*—at

whose instigation we do not know—has undoubtedly influenced a section of the public there to change its views.

But the most significant and alarming feature of all is the attitude of the Government. Evidently the Ministry has made its decision, and taken sides against us. General Botha hinted at Government liquor shops for the natives three or four years ago in a speech at Standerton. Mr. De Wet, the Minister of Justice, has never made any secret of his views. In August, 1916, he told a deputation that if the white people of the Rand were not willing to deny themselves alcohol, the only alternative was the establishment of native canteens under Government control; in the House he welcomed the appointment of the Select Committee, and he was a party to its recommendations. Both these ministers (together with others) were present at the Transvaal Congress of the South African Party which (as reported elsewhere in this issue) called upon the Government to introduce legislation in terms of the Rooth Report, but not one of the Ministers present interposed to lead the Congress to a contrary view, or even to advocate delay. The inference is obvious. The Government has decided to throw down the gauntlet to the Churches, to the Temperance Party, to all the forces which make for moral and social advancement. It is a deliberate challenge, for the Government has counted the cost. When, eighteen months ago a paragraph appeared in the *Star* stating that the Government intended applying to Parliament for powers to manufacture and sell Kaffir beer to the natives, it was inundated with protests; Mr. De Wet told the House that his desk was piled high with letters and telegrams. When the Natives (Urban Areas) Bill was published a few months ago, proposing to give similar power to municipal bodies, the protest was repeated. It is evident, therefore, that the Government has counted the forces on the one side and the other—those which be for us and those which be against us—and has come to the conclusion that we are few and they are many. It is evident also that if our opposition to the Rooth Report is to be effective, and force the Government to reconsider its decision, it must be on a far greater scale than anything hitherto attempted.

WHAT THE "CAPE TIMES" THINKS.

ITS LEADING ARTICLE (MAY 16) ON THE ROOTH REPORT.

Hitherto South African legislation on the liquor question has proceeded on the fixed principle that the sale of liquor to natives should be prohibited. An enormous body of evidence in support of this principle exists. It may, perhaps, best be summed up in the words of the celebrated Native Affairs Commission of 1902-4, which found that the weight of evidence before the Commission "has been overwhelmingly in favour of total prohibition to natives"; that "the natives themselves and their best friends unitedly desire prohibition"; that the native is "constitutionally incapable of being a moderate drinker." These were the considered views of the most authoritative body that has ever taken evidence on the native question in South Africa, and in principle, as we have said, those views have found almost universal acceptance. They deserve the utmost prominence at the present time because the Select Committee appointed by the House of Assembly last session to inquire into the working of the Transvaal Liquor Laws has come to the conclusion that the time has arrived to abandon the policy of total prohibition, and has recommended that legislation be introduced allowing the sale of Kaffir and malt beer not exceeding 10 per cent. proof spirit, and pure natural wine "of approved alcoholic strength" to natives and coloured persons in canteens under strict State control, and under such restrictions "as to ensure that no drunkenness or disorderly conduct" takes place. The Union, in a word, is asked to reverse its policy and to take what we cannot but believe to be a retrogressive step of the most far-reaching importance upon the basis of evidence and views which, with great respect to the Select Committee, we find it difficult to accept as convincing. Let it be remembered that the reversal of the prohibition policy of the Rand is bound to lead, sooner or later, to its reversal throughout South Africa, for if the foundation on which the new policy is built is correct—namely, that we have all been entirely wrong hitherto in supposing that the native is "constitutionally incapable of being a moderate drinker"—then we must logically proceed to open up the Native Territories throughout the Union to the sale of "natural wines of approved alcoholic strength." That is the ultimate meaning of the Select Committee's recommendations. Is there anyone in South Africa who is seriously prepared to support such a principle?

The reasons which have led the Commitee to its revolutionary conclusion—we need not enter to-day into the details of its recommendations—are to be found in the existence on the Rand of an admitted and gigantic evil. Statistics are

appended to the Report, which show that in the fifteen years ending 1917, 8,318 Europeans, of whom 731 were women, have been convicted for selling liquor to non-Europeans. The evidence shows that the illicit traffic is producing shocking social and racial results; Europeans, natives, Asiatics, and other coloured persons are crowded in slums, the nests of the illicit traffic; in this quarter there is a large number of bastard children of mixed blood; and poor whites from the country districts are being lured into Johannesburg by the large profits of the traffic, and are sinking into the depths of crime and degradation. It is also doubtless true, as Dr. Dunstan states in his evidence, that a great many of the class known as "feeble-minded" are lured into the traffic, and become unwitting criminals, and there is undoubtedly abundant evidence that we have on the Rand a condition of affairs which is a grave scandal and a sad reflection on our civilisation. But it seems to us that the Select Committee, in arriving at its recommendations, has been hypnotized by the belief that all these hideous conditions are the consequence of the Liquor Laws, whereas they are, in fact, the consequence of the traffic which the laws are designed to prevent. Arguments are brought forward to suggest that the laws themselves are responsible for the manufacture of criminals. The Transvaal Liquor Law has surely interpreted at any rate the general principle of prohibition which the moral sense of the South African community had accepted long ago. If that is the case, as we believe, it is surely ridiculous to describe the law which penalises the sale of liquor, as "manufacturing" criminals, and it is equally ridiculous to advance as a plea for the abolition of a law the fact that it is broken by large numbers of people. If the principle of the law is sound, its administration should be rather strengthened than weakened, and we note with some astonishment that the Select Committee, while recommending the withdrawal of the restrictions on beer and wine, recommends simultaneously the abolition of the penalty of six months' imprisonment without the option of a fine, which the law has imposed. The Committee seems to have been terrified by the statistics of convictions into the assumption that the principle of the law is wrong. But it must not be forgotten that the profits of the illicit liquor traffic are enormous and detection difficult.

It may reasonably be asked what the proportions of the illicit traffic would be if the penalties were relaxed and police supervision restricted. Yet this, in effect, is what the Committee recommends. It not only recommends the weakening of the law, but it recommends the reversal of the prohibition policy. It suggests on evidence, which is at best wholly presumptive and conflicts with the experience of the past, that Government action should be taken which will enable any native on the Rand to obtain liquor without infringing the

law. The mere fact that the Report urges this proposal "reluctantly," suggests that those who have endorsed the proposal realise that they are taking a leap in the dark. To-day there are thousands of natives on the Rand who take no liquor and have not acquired the taste for it. If there is one fact which the evidence of former Commissions and Committees seem to have established conclusively, it is that the native who is allowed to drink wines of "approved alcoholic strength" will speedily acquire a taste for stronger wines, and eventually, as one of the chief witnesses admitted, for spirits. The native from the Transkei who goes to work on the mines and returns to his home for six months in the year will carry with him the taste for liquor, and will require its satisfaction. What will follow may be readily imagined. We shall have further opportunities of discussing other features of the Report, and here it may be remarked that it has dismissed without a word, and has apparently taken little or no evidence on the closed compound system which in Kimberley has produced eminently satisfactory results. Our immediate purpose is to urge that the central recommendation of the Committee involves a complete reversal of South African policy in regard to the native question, which it is impossible to contemplate without the gravest misgiving.

SENATOR SCHREINER'S LETTER.

To the Editor of THE TRIBUNE.

SIR,—Will you grant me space to place before your readers a few points of view *re* the report of the Select Committee on the working of the Transvaal Liquor Laws, additional to those contained in the *Cape Times* leader, reprinted in your last number?

1. Neither the Committee nor its witnesses allege that there is much drunkenness among the natives on the Rand, and they evince no concern with regard to such drunkenness as does exist. Mr. Macfie, the Magistrate of Johannesburg (who advocates the sale of all kinds of intoxicating liquor to natives in Government-controlled canteens), says: "I have seen more drunkenness in Simonstown on one Saturday than I have seen in Johannesburg in a whole year," and again, "the number of cases of drunkenness among natives is comparatively small," and again, "the evil of the present law is not so much to the native as to the European." The fact is that even the illicit traffic itself is not condemned because of its results on the natives, but because of the large number of Europeans who are found guilty of illicit selling, and suffer the penalty of imprisonment.

Paragraph 8 of the Report states: "These laws" (*i.e.*, the prohibitory provisions) "have undoubtedly had the effect of very greatly diminishing drunkenness amongst the natives, especially on the Witwatersrand, but the price paid for this, as was admitted by a prominent temperance advocate, is 'terrible.' (Sec. Q. 151.)" I happen to be the temperance advocate alluded to, but when I turn to Q. 151, on page 59, I find that I did not say that the price paid for diminished drunkenness was terrible, but that in answer to a question by the Chairman whether I called the facts as to the large number of European men and women imprisoned for contravention of the Ordinance a beneficial result, I replied: "You ask me whether I call that a beneficial result. My reply is that it is part of the terrible price we pay for having the liquor traffic." This is a very different thing from calling it the price of prohibition, or the price of diminished drunkenness, for, without the prohibition, the price paid in increased drunkenness, disorder, vice, and crime would have been a hundredfold greater.

2. The terms of reference of the subject matter by the House of Assembly to the Select Committee and the evidence of most of the witnesses indicate that the ostensible main object for which the Committee was appointed was to lessen or do away with the imprisonment of Europeans for engaging in the illicit liquor traffic. This being the case, one cannot but wonder why the Committee was not content with recommending that the minimum penalty for illicit selling should be abolished, and that persons found guilty of such should no longer be imprisoned but sent to work in a labour colony for a certain period. These amendments of the law would receive the approval of the public generally, and of the religious and temperance forces particularly, provided the main principle of the prohibition of the sale of liquor to natives was maintained. But the fact that the Committee and many of its witnesses insist on overthrowing this bedrock principle of the past prohibitive and restrictive policy of South Africa as far as natives are concerned gives rise to the suspicion that sympathy with the woes and sorrows of the imprisoned European law-breakers was after all only a stalking horse, by means of which an attempt might be made to secure the reversal of that principle, with the object of increased financial gain to the wine manufacturer and the brewer at the expense of the welfare of the remainder of the population.

3. The Committee's main recommendation is that Kaffir and malt beer not exceeding 10 per cent. proof spirit and pure natural wine of approved alcoholic strength, to be consumed on the premises, should be sold to natives and coloured people in State-controlled canteens, to be established in areas in the Transvaal Province to be proclaimed by the Governor-General. This recommendation of the Committee is looked upon as a

Transvaal experiment, and there is no doubt if it becomes law that the principle area to be proclaimed will be the Rand; but that means finally the extension of the system throughout the Union for the following reasons: The Rand has a fluctuating, not settled, native population of about a quarter of a million every year, always receiving fresh recruits from various parts of South Africa (see evidence of Mr. H. S. Cooke, Acting Director of Native Labour, on page 351). If this quarter of a million adult natives, a large proportion of whom have not been accustomed up to the present to drink intoxicating liquor, are allowed and encouraged to drink such liquor in the Government canteens on the Rand, they will not be content on returning to their homes to be debarred from obtaining such liquor, and the demand will be made for the extension of this Government canteens system throughout the country, to the increasing demoralization of the whole native population, and the accompanying detriment of the European section.

4. The idea that such beverages as are recommended will wean the natives who now support the illicit traffic from the purchase and use of the strong and often adulterated spirits, of which they are so fond that they willingly pay 10s. for a bottle, is a fiction of the imagination which has no foundation in fact. The likelihood is that, provided the police continue as active as they are at present in detecting the illicit sale of liquor, the number of persons arrested for that offence will be as great as ever, or even greater, because in addition to the old drinkers of fiery spirits, including the majority of the 80,000 labourers from Portuguese territory, there will be the army of fresh drinkers, trained in the Government drinking shops, to love the effect of alcohol and subject to the alcoholic crave induced by its constant use. Hence, eventually, strongly fortified sherries and the like liquors, such as are the favourite tipple of the drinking and drunken coloured people of the Cape, will be introduced in the Government canteens; and when even these fail to put an end to the illicit traffic or to satisfy the drink crave of the natives, coarse spirits will take their place; but even then the illicit traffic will continue to exist, unless indeed the Government supplies its native drink clients with whatever quantity of such spirits their fierce passion for intoxication demands. Words fail to picture the drunkenness, disorder, riot, vice, crime, impoverishment and loss of labour that will be the result of such a condition of affairs. It may be said that if things became so bad, drastic prohibition would become necessary; but how is any Government going to enforce prohibition then on hundreds of thousands of natives who have been demoralized and enslaved to liquor by the Government's own action?

5. A rather important point which seems to have escaped

public notice is that Section 15 of the schedule of the Act of Union provides as one of conditions which must be observed in case any native territories now under the protection of His Majesty are transferred to the Union Government, that "the sale of intoxicating liquor shall be prohibited, and that no provision giving facilities for introducing, obtaining, or possessing such liquor in any part of the territories, less stringent than those existing at the time of transfer, shall be allowed." This applies to Basutoland, Swaziland, the Bechuanaland Protectorate, etc. The carrying out of the recommendation of the Select Committee in the Transvaal will be a violation of the spirit, if not of the letter, of the above provision, inasmuch as, according to the evidence of Mr. H. S. Cooke, there are at present in the Transvaal 26,000 of the natives of such territories at work in that Province, to whom the Select Committee proposes that the Government of the Union shall provide the enticement of canteens for the sale of intoxicating liquors, under Government control.

6. Another point which may well be kept in mind is that prohibition of the sale of liquor to natives is one of the prominent planks of the platform of the Unionist Party. The South African Party, at its Pretoria Congress, is reported to have passed a resolution (with only a few dissentients) requesting the Government to introduce as early as possible legislation on the lines of the Select Committee's Report. As far as this means doing away with the minimum penalty of six months' imprisonment, and the substitution in the place of imprisonment of detention for a certain period in a labour colony, no difficulty is likely to be raised; but it is scarcely to be believed that the Prime Minister, whose Government has been kept at the head of affairs by the support accorded to it by the Unionist Party since the commencement of the war, will be unwilling to play the game fairly, or that he will consent to put unfair pressure on that party by introducing legislation which virtually aims at overthrowing a principle which forms a prominent plank in its platform.

I am, etc.,

THEO. L. SCHREINER.

THE ARCHBISHOP'S APPEAL.

The Archbishop of Capetown contributes to the *Church Chronicle* of the 27th of June "Some Thoughts on the Report of the Select Committee on the Working of the Transvaal Liquor Laws," and permission has been kindly given us to reprint His Grace's article, which reads as follows:—

The Report of the Select Committee of the House of Assembly on the working of the Transvaal Liquor Law is a report on a matter of the utmost interest to all in South Africa, and as such should be studied and thought about by all.

Of the magnitude of the evil of illicit liquor selling, and of the result upon a considerable section of the population there cannot be a doubt, and we rejoiced when we heard that a Committee was to be appointed in order that the whole subject might be considered with a view to legislation.

The report has now been published, and we admit at once that the suggestions made fill us with dismay not only for the sake of the native people, but also for the sake of the Europeans and of the country generally.

Leaving out details with regard to certain alterations in the liquor laws in the Transvaal the main suggestion made by the Committee is as follows: "Your Committee recommends that Kafir and malt beer not exceeding 10 per cent. proof spirit and pure natural wine of approved alcoholic strength should be sold to natives and coloured persons in canteens to be consumed on the premises under such restrictions and in such a manner as to ensure that no drunkenness or disorderly conduct takes place.

"These canteens shall be under strict State control, and be run by Government officials, and should, in addition to beer and natural wines (the sale of which should not be 'pushed') also supply non-alcoholic drinks."

This is what the Committee suggests as the solution of the great difficulty which exists in Johannesburg and its neighbourhood in connection with illicit liquor selling to natives.

Now, in thinking of the Report as a whole, there are one or two things which seem to stand out quite clearly.

First the Committee, perhaps naturally, seems to be thinking of the Rand only, and of the existing evil there. Apparently it takes into very little consideration what the effect of its proposals will be on the country and the native peoples as a whole.

Secondly, the Committtee in its report is evidently largely influenced by the fact that the native men from Portuguese East Africa are accustomed to drink light wines—*and as we know from experience not light wines only*—while but little attention is paid to the fact that throughout the greater part of the Union of South Africa there are very strict prohibition

laws as to the sale of European alcoholic liquor to the native people. It is impossible to read the questions asked by certain members of the Committee without seeing that the fact of the natives from Portuguese East Africa being accustomed to drink what are called light wines, was strongly pushed as an argument in favour of the Committee's proposals, while what was said in the evidence as to the effect of the proposals upon the men and women in the Union of South Africa, and I include women because it will affect them largely, was ignored.

Thirdly, evidence was taken from four native men only on a matter which concerns the native population so intimately. No attempt seems to have been made to obtain the opinion of representative native men in any other part of the Union except of four men in the Transvaal, of whom one was stationed in Johannesburg, two in the neighbourhood of Pretoria, and one in the district of Rustenburg.

It must be remembered that the Rand is a place which draws men from all parts of the Union, and therefore any legislation which concerns that place concerns the whole of the Union—and it certainly cannot be maintained that the evidence of the four native men who were examined in any way represents native opinion generally.

These are the first things which seem to stand out on reading the Report, and they must be evident to all who read it. There cannot, of course, be a doubt of the greatness of the evil in connection with illicit liquor selling on the Rand, but in dealing with it, and in the proposal suggested, the Committee seems to have entirely lost sight of the effect, which such proposals would have upon the natives in other parts of the Union and upon the country as a whole. This is borne out by the fact that the evidence of a majority of the native witnesses called, and of the Magistrates and Commissioners stationed in areas in which the population consists largely of native people, is strongly opposed to the proposals made.

Of the four native men called to give evidence, only one was in favour of selling light wines and European beer to natives. The three other spoke strongly against it. They said (p. 179): "I know what it will bring if natives are allowed to buy wines—it simply means that by buying wine they will buy whisky as well. There will be no difficulty for them to buy whisky. If you say that he can buy wine and not spirits, it will always be the same trouble, because he will again go to the European man, who will always again be in the same trouble."

About this there was entire agreement amongst these three witnesses, and they were three out of the four called.

It is true that when pressed by the Minister of Justice one of them (S. M. Makgatho) said (page 180): "You mention the Portuguese natives. If they are accustomed to have wine,

I should have no objection." But this he said only when he was pressed.

As with the evidence given by three out of the four natives called so was it with the Commissioners and Magistrates stationed outside the Rand area in different parts of the Union. The Chief Magistrate of Durban urged the selling of native beer under State or Municipal control. But all were opposed to the selling of European alcoholic liquor. They were quite unanimous in their opinions, and their evidence is striking.

Mr. T. W. C. Norton, Resident Magistrate of Butterworth, in the Transkei, concludes his evidence by saying (page 381): "If there were no prohibition as regards liquor many of the men, who do not take liquor now, would take it. I should not be in favour of having prohibition removed, and as a matter of fact if it were removed, I do not think that we Europeans could live in the Territories. We would require an enormous police force."

Mr. C. E. Boyes, Deputy Commissioner of Basutoland, says (page 404): "You ask me whether I think that one should by a gradual process try to educate the native to become accustomed to take European liquor. I certainly do think this, that if the sale of European liquor were to be allowed on the mines it would have a great effect, a very adverse effect on native recruiting. I am very much of opinion that if it were allowed the Chiefs and also the Basutoland National Council would very probably go as far as they could to protest against it. . . . Instead of educating the native to become accustomed to the use of intoxicating liquor. I agree that it would be better to educate him in another direction — to keep away from it as far as possible."

The question which was put to Mr. Boyes in itself is in my opinion sufficient to condemn the whole report. It is difficult to understand the frame of mind of men, who could entertain the idea of educating the natives up to drinking strong drink. And yet it seems to have been in the mind, at any rate, of some members of the Committee. It certainly was very distinctly in the minds of several, who gave evidence. One witness plainly said (page 441): "If you give the native reasonable access to drink of moderate alcoholic strength, then I think that in the next generation or two of mine workers you will train them to be more or less satisfied with these lighter things. Ultimately the drink given him will have to be extended to spirits, but I do not think that it is a good thing *to begin with*," not I suppose until he is educated up to it. It appears to me that the idea of the white man in this country educating the native man up to the drinking of spirits in time is in itself entirely abhorrent. And yet this is the evidence of a man, who said that in 1908, when making enquiry into the condition of affairs at Lourenço Marques, the place where

these Portuguese light wines are sold freely to the natives. "There certainly was a very great deal of drunkenness in Lourenço Marques and the suburbs at that time" (page 441), and this is in the country, the methods of which apparently some members of the Committee are desirous of imitating.

But there was another witness, who lives amongst the native people, Mr. F. C. Macgregor, Resident Commissioner of the Bechuanaland Protectorate. He says (page 383): "I would not be in favour of natives being allowed light wine on the Rand. . . . I do not know anything about the natives from Portuguese East Africa. As to the suggestion to sell spirits to the natives, I think that it is a very dangerous idea —speaking as a native administrator, I think that it would be a very dangerous thing indeed. My reason for saying this is that I am afraid that a great many would contract this desire for drink which they have not got at present." And then, later on, he speaks of the adverse effect which the proposal of selling European liquor to natives would have upon recruiting men for the Rand. "Khama himself certainly would not hesitate for a moment to stop all of his men going to work on the mines."

In spite of this evidence from the three out of the four native witnesses, and all those Magistrates and Commissioners, whose work was principally amongst the native people, the Committee has made the proposal as stated above. At the end of the Report the Committee says: "In conclusion, your Committee is of opinion and recommends that the Government should at the earliest possible moment introduce legislation in terms of this report."

It is my most sincere hope that no such law may ever be placed on the Statute Book of the Union of South Africa, for it is my profound belief that if it is found there it can only lead to the deterioration of the native people of this country for whom we are responsible before God and man. It will be the beginning of the kind of education which is apparently desired by some of the Committee to be completed later on through the drinking of spirits.

But more than this, it is my most sincere hope that no such law may ever find a place on the Statute Book of this country, for in my opinion it would spell disaster for Europeans as well as natives. We should be sowing seed, of which the crop will be reaped by our children and children's children. I entirely agree with what Mr. Norton says: "If prohibition is removed, I do not think that we Europeans could live in the Territories," and not in the Territories only, but very many other parts of South Africa.

Surely it is our duty, if I may again quote Mr. Boyes' words: "To educate them to keep as far away from it as possible."

Every member of the Committee is fully aware of the condition of things in the Cape Peninsula, where light wines, or what are called light wines, are sold to the coloured people, and curiously at the very same time as this Committee was sitting another Committee was sitting on "Drunkenness in the Western Districts of the Cape Province."

In the face of this the Committee makes its proposal to sell light wines to the natives, as a solution of the existing evil. It appears to me that there is every probability that in the suggested attempt to "cast out one evil spirit seven other spirits will enter in and dwell there, and the last state will be worse than the first."

But criticism is always comparatively easy. Is there no remedy or can nothing be done to prevent, or at any rate largely to minimize the evil?

The Committee rules out total prohibition for all on the ground that "the country is not prepared at the present time to accept this solution." I cannot help thinking that if the Committee had taken a bold line, as has been and is being done in many parts of the United States and Canada, it would have received far more support than perhaps might naturally be supposed—and this particularly if a plebiscite had been taken of all adults, women as well as men, and it certainly concerns women no less particularly than men. Or might not the Committee have suggested that Johannesburg should give a lead to the rest of the country, and show itself to be in accord with what seems to be the growing spirit of the age in many parts of the world and proclaimed total prohibition for that particular district, in which the evil is specially acute. Still the Committee, in saying that the country "is not prepared at the present time to accept it," holds out a hope that possibly the time may come, when it will accept it, and this perhaps not merely "in the dim and distant future."

But leaving this solution aside, is there nothing else which can be done?

If I may judge from what the Report says, it is largely from the bottle stores that the evil proceeds. If they cannot be closed altogether, and I can see no reason why they should not be, why should not the Committee's proposal in section 59 be rigidly enforced? It is there recommended that "in large urban and mining areas to be designated by the Governor-General every European who wishes to purchase liquor for consumption off the licensed premises either at a bottle store or from a wholesale dealer should first obtain a permit from a commissioned officer of police." I cannot but think that this is a good proposal. In this way the Government would have full power over what seems to be the main means by which the evil is produced, and the evil, if not prevented altogether, might be largely minimised.

As I have said above, there cannot be a doubt of the magnitude of the evil; we do not wish in any way to underrate it, but at the same time it is our firm belief that if the Committee's proposal of selling light wines to the native people is carried out in Johannesburg and its neighbourhood, it will only aggravate the evil and make it ten times worse—and this not only for the native people, but also for the Europeans and the country at large. I hope therefore that all who care about the welfare of the Union of South Africa will do everything in their power to prevent such a law being placed on its Statute Books.

WILLIAM M. CAPETOWN.

19th June, 1918.

THE GOVERNMENT BEHIND THE REPORT.

SOUTH AFRICAN PARTY CONGRESS (TRANSVAAL) CARRIES RESOLUTION URGING LEGISLATIVE EFFECT; THE MINISTERS PRESENT TACITLY ASSENT.

Pretoria, Thursday, May 16.

At the South African Party Congress to-day, Mr. Louis Esselen moved: "That in view of the deplorable condition of affairs created by the Liquor Law, and taking into consideration the Report of the Select Committee on the Transvaal Liquor Laws, the Government be requested to introduce legislation in accordance with the recommendations of the Report as soon as possible." In the course of a few remarks, Mr. Esselen urged the necessity of altering existing conditions under which untold misery was being caused.

A delegate from Mooi River, in seconding the proposal, declared that it was inequitable to protect the native at the expense of the white man. If the native wanted to drink he should be allowed to drink.

Mr. Grobler (Marico) declared that in his district the law was proving impossible, and had the effect of the Dutch-speaking population being sent to gaol.

Similar remarks were made by a number of other speakers.

Mr. Hendriksz, a former M.P.C., said the law as it stood placed an unfair temptation in the way of the poor Africanders. Illicit liquor-sellers were not in reality criminals. They were not criminals *per se*, but only weaker brethren. If nothing could be done, the sale of liquor to whites should be disallowed as well.

Mr. M. L. Potgieter (Turffontein) said that conditions on the Rand were very different to those in the rural districts.

as on the Rand some 25,000 to 30,000 natives were congregated. Those natives should be treated as children. What was to become of the white population, he asked, if drink was to be given to the coloured section?

Another delegate spoke in a similar strain, and, amid cries of dissent, voiced the view that a woman who had fallen so low that she sold drink to natives should be placed in gaol.

Mr. L. Geldenhuys, M.L.A., regretted that Vrededorp was being insulted in the report of the Select Committee. (Laughter.) He admitted that existing conditions were unsatisfactory, but he doubted whether they would be improved by drink being sold to natives. "Give the native wine or beer," he said, "and he will be wanting more." A farmer should be allowed to give his native labourers a "zoopie," but on the Rand the collection of natives was too large. The Government should, in introducing a Bill on the subject, leave the subject outside of party politics, so that every member should be able to vote as he thought fit.

Mr. Ludorf, M.L.C., declared that partial prohibition had been a total failure.

Mr. E. Rooth, M.L.A., said that according to his information, one-fifth of the population of Vrededorp lived on the illicit liquor trade. Since 1902, 168,000 people had been sent to gaol for contravention of the Liquor Laws, and the State had had to pay millions of money. Thousands of whites, men as well as women, had been ruined, and yet those who knew what the position was stated emphatically that it was impossible to stop the illicit sale of liquor. Could one sit still while so many people were being ruined? he asked. For fully sixteen years the present law had been in force, and although unquestionably the police had done their best, no material improvement had been effected. Therefore, after lengthy consideration, the Select Committee had proposed that beer and wine should be sold to natives under State control. He did not know whether this would altogether prove a remedy, but they were obliged to try it. At any rate, the conditions could not be worse than they were to-day, and State control would certainly prevent the sale being driven into illicit channels. In 1919 he trusted the Government would have to introduce a law to carry out the Report. In 1920 there would be another general election, and consequently there should be no dallying. (Cheers.)

Another delegate urged that it would be far better to have total prohibition throughout the country.

After further discussion, the resolution was agreed to, with only three dissentients.—*The Star.*

THE TRANSVAAL LIQUOR LAWS.

Report of the Rooth Select Committee.

On the 22nd January the House of Assembly, on the motion of Mr. E. Rooth, the member for Pretoria (Central), appointed a Select Committee "to enquire into the working of the liquor laws in force in the Transvaal Province, and to make such recommendations for their amendment as it may consider advisable, particularly with a view to combating the evils associated with the increasing number of convictions for the illicit selling of liquor, especially on the Witwatersrand; the Committee to have power to take evidence and call for papers." As originally constituted, the Committee consisted of the Minister of Justice, Messrs. W. F. Clayton, H. Wyndham, J. A. Neser, J. H. de Waal, E. Rooth, R. Feetham, D. W. Drew, J. A. Joubert, and Colonel Creswell, but the latter dropped out at his own request on the 14th March, while evidence was still being taken and about a month before the Report was considered. The Committee presented its Report to the House during the last few days of the session, and the document had not been debated when Parliament was prorogued.

The Report, Minutes and Evidence have now been printed in a Blue-Book, costing 24s. 6d.* This price is likely to place the volume out of the reach of most Temperance workers, and we therefore reprint the Report itself here. It is, we think, a conspicuously partisan production, and we shall answer it in due course. In the meantime, what we now print will place before the Temperance party the case it will have to meet—the case, as set forth by the Select Committee, for the abandonment of the policy of Prohibition to natives, and the establishment instead of Government liquor shops to supply the natives with intoxicating drink.

The Committee was not unanimous in its finding. When the crucial divisions took place, Messrs Clayton, Neser, and Wyndham voted against paragraphs 36 and 37 of the Report, while Mr. Feetham, who would no doubt have done likewise, was engaged in attendance upon another Select Committee. Unfortunately, the Union rules do not permit the presentation of a minority Report—the Cape procedure on this point has been dropped—or doubtless one would have been framed and submitted to the House.

The Report of the Committee.

Your Committee having considered the terms of its reference, and having taken evidence thereon (which is submitted herewith), begs to report as follows:—

* Since reduced to 7s. 6d.

1. Evidence was given before your Committee by a number of officials and persons acquainted with the working of the Liquor Laws in the Transvaal Province, including police officers and other officials, as also the representatives of the Transvaal Chamber of Mines, the Johannesburg Chamber of Commerce, the Transvaal Medical Council, representatives of the South African Temperance Alliance, the Women's Christian Temperance Union, the Council of the Order of Good Templars, the Wesleyan Methodist Church of the Transvaal, the Congregational Church of the Transvaal, the Baptist Church, the Seventh-Day Adventist Church of the Transvaal, the Salvation Army, the Witwatersrand Church Council, the Transvaal Native Council, the Ethiopian Church of South Africa, the Nederduits Hervormde of Gereformeerde Kerk van Zuid Afrika, the Presbyterian Church of South Africa, representatives of the South African Liquor Trade Defence Association, representing the bottle-store keepers and wine merchants of the Transvaal, the breweries of the Transvaal and the Licensed Victuallers' Association of Johannesburg; also by representatives of the Transvaal Agricultural Union, the Native Recruiting Corporation, Ltd., the Chinese and Parsee communities of the Transvaal and representatives of the Administrations of Bechuanalanad, Basutoland, and the Transkei, the Chief Inspector of White Labour, the Acting Director of the Native Labour Bureau, the Probation Officer of Johannesburg, the Magistrates of Pretoria and Johannesburg, compound managers, and others. The Municipality of Johannesburg was not prepared to send a representative to give evidence on its behalf.

2. The first liquor legislation of the Transvaal is Volksbesluit Art. 74, dated 15th June, 1852, by which the sale of alcoholic liquor in towns without licence was prohibited. Farmers were allowed to sell liquor produced by them, without being required to take out a licence. The principle of farmers being allowed to sell liquor manufactured from their produce was modified from time to time by certain restrictions, which remained in force until the passing of Law No. 17 of 1896.

3. Under this law of 1896, the owner or occupier of a farm or piece of ground, or a person authorized by him, was entitled without a licence, to manufacture the produce of such ground into wine or spirituous liquor and to sell same, but not in quantities of less than one quart. Nobody was allowed to barter or sell wine, spirituous or malt liquor to any coloured person. A coloured person found in possession of wines, spirits, or malt liquor, unless lawfully conveying same in the service of his employer, was punishable with imprisonment with or without hard labour for a period not exceeding three months and lashes not exceeding 25 in number. This Law was repealed by Law No. 19 of 1898, which remained in force until Ordinance No. 32 of 1902 was enacted.

4. By the law of 1898 the provisions of the Law of 1896, giving owners or occupiers of land the right to make and sell liquor were re-enacted. The sale or bartering to any coloured person of wine, spirits or malt liquor was prohibited. The provisions of this Law made it unlawful to give liquor, under which was included Kaffir beer, to coloured persons on public diggings "except in the case where agricultural or cattle farmers give liquor to natives *bona-fide* in their service on their farms or land situated within proclaimed diggings." Outside the proclaimed goldfields employers could give their servants liquor.

5. When the working of the mines was started, in the eighties, a great influx of natitves to the Rand took place. Liquor was freely sold, and the result was that drunkenness, faction fights, etc., became prevalent, and consequently a large percentage of the natives working on the mines were unfit for their work. Employers of labour of all classes, as also the Churches and advocates of Temperance then took up the matter in earnest, with the result that the Laws of 1896 and 1898 prohibiting the supplying of liquor to coloured persons were placed on Statute Book.

6. According to the evidence, the prohibition of the sale, etc., of liquor to coloured persons, introduced by the Laws of 1896 and 1898, did not have the effect of preventing natives and coloured persons—especially on the Witwatersrand—from obtaining alcoholic liquor in large quantities, and drunkenness and faction fights were frequent and numerous. (*Vide* evidence of Colonel Truter, William Hosken, and other witnesses.) This state of affairs, however, did not apply to the country generally. The passing of Ordinance No. 32 of 1902 did not have the effect of immediately stopping faction fights, of which, however, after the year 1909, according to the evidence of Colonel Truter, very few have taken place on the Rand.

7. Ordinance No. 32 of 1902 of the Transvaal (which was passed under "Crown Colony" Government) provides (in section *forty-six*) that "no person shall sell, barter, give or otherwise supply to any coloured person any intoxicating liquor . . . except for medicinal purposes or sacramental use"—the only other exception to absolute prohibition being that employers of more than 50 coloured labourers may supply them gratuitously—as a ration—with Kaffir beer containing not more than 3 per cent. of alcohol—under a minimum penalty for a first offence of six months' imprisonment with or without hard labour, and, at the discretion of the Court, in addition to such imprisonment, of a fine not exceeding £250, or, in default of payment, an additional term of six months' imprisonment. For a second offence the penalty is imprisonment with or without hard labour for not less than twelve

months and not exceeding two years, and at the discretion of the Court, in addition to such imprisonment, of a fine up to £500, or further imprisonment not exceeding twelve months, and for a third or subsequent offence imprisonment with or without hard labour for a period of not less than two, and not more than three years, and, in addition, at the discretion of the Court, of a fine not exceeding £1,000 and, in default of payment, imprisonment with or without hard labour for a further period of not more than two years. It will be seen that under this severe law a person may be imprisoned for five years with hard labour for supplying a coloured person with liquor. The prohibition with regard to Kaffir beer does not apply to rural areas distant more than 12 miles from a township, municipality or public diggings.

It will be observed that this section *forty-six* prohibits the supplying of liquor to any "coloured person." In this term are included three classes, viz., aboriginal natives, pure Asiatics, and those persons of mixed blood to whom the term "coloured" people" is generally applied.

8. These laws have undoubtedly had the effect of very greatly diminishing drunkenness amongst the natives, especially on the Witwatersrand, but the price paid for this, as was admitted by a prominent Temperance advocate, is "terrible" (*see Q.* 151)*: and the statistics of the loss of shifts in the mines due to drunkenness (that is, convictions for drunkenness) show a very small percentage of such loss—less than 1 per cent. The loss of efficiency in the working of the mines by natives on account of their having indulged largely in liquor is, however, by no means a negligible quantity, and is not included in this estimate.

9. In the compounds (which are not "close compounds") on the Rand, the mine boys get a ration of Kaffir beer regularly—this being allowed by law. This fact, and the fact that they are largely under supervision and control, are no doubt amongst the causes of there being fewer convictions for drunkenness against mine boys than against house boys, store boys, etc., of whom there are about 90,000 on the Rand, and who are not allowed to have Kaffir beer.

10. The gravity of the existing state of affairs, and the misery, pain, ruin and degradation which have been caused by contraventions of the Liquor Laws now in force in the Transvaal, and the comparative futility of those laws, have been clearly and fully realised by nearly all the witnesses who appeared before your Committee. These witnesses also recognized the paramount necessity of immediately putting an end to this state of affairs, and felt that the steps to be taken and the remedies to be applied should be of such a

* Senator Schreiner said nothing of the kind, as a reference to the evidence will show.

nature as to seriously and thoroughly grapple with the evil, and not merely "tinker" at the present Laws by means of a few amendments or alterations of a minor character. The question for consideration is (*a*) whether the principle of absolute prohibition to coloured persons should be altered, or (*b*) whether the provisions of the Law in reference to this principle should be tightened up, or (*c*) whether both these methods should be adopted.

11. The Illicit Liquor Traffic has assumed gigantic proportions. Your Committee endorses the finding of the Transvaal Liquor Commission (March, 1910), to the effect that "on the Rand there exists, side by side with a prohibition which is nominally absolute, an enormous and continuous illicit sale of liquor to natives. This sale is carried on with the regularity and permanence of a legitimate trade." After the lapse of eight years, and notwithstanding the unremittting efforts of the police, the state of affairs on the Rand to-day is identical with the position as disclosed by this finding.

12. It is clear that the demand for liquor by natives and coloured persons is enormous, and cannot be entirely stopped or prevented. The policy of prohibition of liquor for one section of the community has been tried for the last 16 years. It has been given a fair trial and a long one, but the result has to a great extent been a failure. The law does not entirely prevent coloured persons from getting liquor, and thousands of Europeans, natives and coloured persons have been, and are being, degraded and ruined in the hopeless attempt to put the provisions of the law into force. These facts have been clearly, definitely, and conclusively proved.

13. The state of affairs existing on the Witwatersrand, as disclosed by the evidence, cannot be described as otherwise than appalling. On reference to Annexure A to this Report, it will be seen that no less than 168,521 persons were convicted for contraventions of the Liquor Laws on the Witwatersrand and in Pretoria during the year 1903 to 1917 inclusive. This is exclusive of the rest of the Transvaal. In these figures are included 8,214 Europeans (men and women) convicted of illicit sale of liquor, and 22,160 Europeans (men and women) convicted of drunkenness, leaving a balance of 138,237 non-Europeans convicted during the above-mentioned period, or an average of 9,216 convictions per annum of non-Europeans for a period of 15 consecutive years. In these figures, recidivists, or persons who are convicted more than once, appear. The percentage of recidivists, as appears from the figures quoted in paragraph 14 of this Report was, in that instance, about 23 per cent.

14. On reference to Appendix B to this Report, which gives the official figures of convictions of Europeans for the whole of the Transvaal for the years 1903 to 1917, inclusive, it will be seen that out of 8,318 convictions of Europeans for the

sale of liquor to coloured persons, the number of first offenders was 5,789, so that the number of recidivists convicted for liquor selling is 2,529, or about 23 per cent. of the total.

Of the persons first convicted for selling liquor to coloured persons who were afterwards convicted for other offences and sentenced to imprisonment without the option of a fine, the number was 690. Those who had been previously convicted for other offences and sentenced to imprisonment without the option of a fine was 910.

15. The population of the Johannesburg Magisterial District is about 270,000, of which approximately one-half is European, and one-half coloured, viz., 15,000 Indians, and 120,000 natives and coloured persons. During the eight years 1910 to 1917 the number of convictions in the Johannesburg Magisterial District for drunkenness and assault was as follows:—

	Europeans.	Coloured.
Drunkenness	7,450	24,668
Assault	2,688	9,771

From these figures it will be seen that that half of the population of the Magisterial District of Johannesburg in regard to which prohibition is in force (viz., the coloured persons) produced 76.81 per cent. of the convictions for drunkenness during the above period, and 78.43 per cent. of the convictions for assault. Roughly, therefore, out of every four persons convicted in that area for drunkenness and assault, three were natives and coloured (who are under the "Prohibition" Law and may not obtain liquor), and one was European, who may by law obtain liquor in unrestricted quantity.

16. The direct cost to the State in connection with the enforcement of the Transvaal Liquor Laws for the last 16 years must have run into millions of pounds sterling. In support of this estimate attention may be called to the following facts:—

The percentage of convicts in the Transvaal for illicit liquor selling and other contraventions of the Liquor Laws is about 22 per cent. of the total number of convicts, European and non-European. This percentage of the annual expenditure on prisons in the Transvaal amounts to £54,161. But in order to get these prisoners convicted the services of detectives and police were necessary to arrest them, and of the Courts to try them and sentence them. Twenty-two per cent. of the expenditure on police, etc., for the Transvaal amounts to £147,656. The total of these two amounts is the sum of £201,817 for one year.

Expenditure more or less on this scale has been incurred annually for the last 16 years, in the endeavour to carry out our prohibition laws.

When the indirect loss to the State, in respect of thousands of men and women who have been imprisoned, while they should have been earning their living by their industry, the broken homes, the misery and wretchedness caused by contraventions of the law are considered, it must be admitted by the most sanguine prohibitionist that the cost to the State, direct and indirect, in connection with the Transvaal Liquor Laws has been enormous.

17. Some idea of the enormous illicit liquor traffic on the Rand may be obtained from the fact that, as appears from the evidence, it is estimated by competent authorities that not 10 per cent. of the offenders against the prohibition laws are convicted (*Qs.* 243-247), and that the liquor seized by the police represents about one-half per cent. of the liquor which is sold illicitly (*Qs.* 198-204).

As the number of convictions for the years 1903-1917 is 168,521, the number of offences against the law calculated on that basis, would be over one and-a-half millions for that period, and as during eight months in 1916-1917 the police seized 661 gallons of liquor on the Rand in connection with the illicit traffic, it need not be pointed out what a huge quantity of liquor is illicitly disposed of, if the above estimate that only one-half per cent. of such liquor is seized, is anywhere near being correct.

18. The number of natives from Portuguese East Africa employed on the Rand on the 31st January, 1918, was 82,604, out of a total of 264,759 natives employed there (or slightly under one-third); these Portuguese natives are allowed under the laws of the Province of Mozambique, where they were born and reside, the free use of wine, including highly fortified wine; 205,429 natives (out of the above total) were, on the above-mentioned date, employed on mines and works.

19. Spirits, wines, ale and beer were imported into the Union for the five years 1913 to 1917 inclusive, as per the following statement:—

(It was not found possible to obtain statistics as to the quantity of spirits, wine, etc., imported into the Transvaal from other Provinces of the Union.)

Imported into the Union from Abroad, 1913-1917.

	Gallons.	Value.
Whisky	2,668,967	£1,436,925
Brandy	344,062	304,447
Ale and Beer	823,890	171,588
Sparkling	75,914	140,383
Gin	532,140	121,889
Wine in bottle (exceeding 20 per cent.)	201,753	106,849
Liqueurs	48,127	33,856
Rum	63,621	29,926
Wine in bottle (not exceeding 20 per cent.)	37,099	13,940
Wine in wood (exceeding 20 per cent.)	36,401	13,830
Wine in wood (not exceeding 20 per cent.)	15,457	2,270
Total Value of Imports into Union		£2,375,903

The average annual Revenue derived by the Union in connection with the importation, manufacture, and sale of alcoholic liquor is £129,000 out of liquor licences, and about £1,250,000 out of Customs and Excise.

20. A considerable amount of literature, statistics, pamphlets, etc., was handed in to your Committee on the question of prohibition in the United States of America, Canada, New Zealand, and other countries, by representatives of the Temperance Alliance, and by other witnesses. Your Committee was desirous of obtaining, if possible, clear and definite evidence as to the actual effect and working in practice of the prohibition legislation in those countries, but unfortunately the literature and statistics, etc., so submitted are mostly of a partisan character, and differ entirely as to the effects of the prohibition legislation referred to.

It has, therefore, not been found possible to come to any conclusion as to whether the prohibition laws abovementioned have the effect of actually preventing the public from obtaining alcoholic liquor.

21. It has been submitted that the ideal solution of the whole question would be total prohibition for everyone in the Union—European, Native, and coloured. But in the opinion of your Committee the country is not prepared at the present stage to accept this solution. Nor has, in the opinion of your Committee, the time arrived to consider as a practical proposition the question of complete State control in connection with the sale of liquor.

In the opinion of your Committee partial prohibition—*i.e.*, prohibition for one section of the community only, viz.,

the coloured section, which has been in operation in the Transvaal for the last 16 years, and has been given a fair trial, has to a great extent proved a failure.

The Native and coloured persons have not been totally prevented from getting strong drink in quantity, and thousands of people have been ruined, degraded and disgraced at an enormous cost—direct and indirect—to the State in the endeavour to carry out the provisions of the law.

22. Unlikely as it may appear, the illicit liquor traffic apparently has such attractions for certain individuals that instances are not unknown (as appears from the evidence) where persons in receipt of good wages—as much as £1 per day—have given up their jobs for the purpose of selling liquor to prohibited persons.

23. The habit of law-breaking engendered by the conditions prevailing in certain parts of the Transvaal in connection with the liquor laws, requires immediate and serious attention.

It need not be pointed out that when people think that unlawful acts, such as selling liquor to prohibited persons (which acts have been described by some of the witnesses as "Statute-made crimes") are venial offences, and that imprisonment for such offences does not necessarily entail loss of caste (and this unfortunately, as appears from the evidence, is the case amongst a not inconsiderable portion of the poor classes on the Rand and elsewhere)—it behoves the Legislature to take steps to amend and alter those conditions. A great philosopher once wrote: "How oft the sight of means to do ill-deeds makes ill-deeds done." If an individual has once been in gaol, imprisonment frequently loses its terrors, and that individual who, but for the golden bait held out under the Liquor Laws, might have remained a respectable citizen, becomes a member of the criminal class.

24. The position with regard to that section of the European community known as "poor whites" will be seen on reference to the evidence of Major Naudé, Chief Inspector of White Labour, and of Detective Vowell, and other witnesses, and also on reference to Schedules Nos. II., III., and XI.

In Vrededorp, a suburb of Johannesburg, it is said that about 500 out of 2,500 European inhabitants regularly make their living from the illicit liquor traffic.

From the evidence it appears that mainly in consequence of this traffic, Europeans, Natives, Asiatics, and other coloured persons live together promiscuously in some of the slums and yards on the Witwatersrand, and those places are "nests" of the illicit liquor traffic, that European women and girls prostitute themselves to Natives and others, and that in this quarter there is a large number of bastard children, *i.e.*, children of mixed blood. At the present moment there are amongst other Europeans in the Central Criminal Prison at

Pretoria, convicted of illicit liquor selling, a greybeard of 70 years of age, and six women with babies at the breast. Four out of the ten Europeans on whom the indeterminate sentence has been passed in the Transvaal, commenced their criminal record with a conviction for illicitly selling liquor to prohibited persons.

25. The question as to what remedies should be applied to the present position in the Transvaal is one of paramount and vital importance, not only to the Transvaal but to the whole of South Africa. The question must be faced and dealt with on its merits. Mere palliatives and "tinkering" with the matter will do no good.

26. Leaving aside for the moment the amendments to less important provisions of the Ordinance of 1902, which have been suggested to your Committee, and which will be dealt with later on, it may be broadly stated that there are three suggested "remedies"—on the basis of the State control of the sale of liquor to Natives—for putting an end to the present deplorable state of affairs. As opposed to this there is the view of some witnesses that as far as the question of supplying Natives with some kind of liquor is concerned, matters should be allowed to remain unaltered and exactly as they are at the present moment. A précis of the evidence of witnesses supporting this view appears in Schedule No. IV. attached to this Report.

The three remedies above referred to are:—

(*a*) Supply Kaffir beer only.

(*b*) Supply Kaffir and other malt beer and pure natural wine.

(*c*) Supply all kinds of liquor, including spirits—all these being subject to due restrictions and under State control.

A précis of the evidence in support of the views mentioned in sub-sections (*a*), (*b*), and (*c*) will be found in Schedules Nos. V., VI., and VII. respectively, attached to this Report.

27. It will be convenient to consider the questions arising out of the facts as disclosed by the evidence submitted to your Committee with reference to this part of the enquiry in the following order:—

I. Have the Liquor Laws in force in the Transvaal Province had the effect of preventing Natives and coloured persons from getting alcoholic liquor in large quantities?

II. What is the present state of affairs, especially on the Witwatersrand, as the result of those laws?

III. Should this state of affairs be allowed to continue?

IV. What is the remedy to be applied?

28. With regard to Question I., your Committee finds as a fact on the evidence that notwithstanding the provisions of the

law, and notwithstanding the unremitting efforts of the police. Natives and coloured persons are able to obtain and do obtain on the Rand and elsewhere in the Transvaal alcoholic liquor in large quantities. A précis of some of the evidence in support of this finding appears in Schedule No. I. attached to this Report.

With regard to Question II., your Committee is of opinion that large numbers of Europeans, Natives and coloured persons become criminals and are degraded and ruined in consequence of the opportuities of earning a living easily by means of illicitly supplying the demand for liquor which undoubtedly exists and apparently will continue to exist, and that our prohibition laws have caused immense and untold misery, pain, ruin, and degradation amongst a large section of the community. The enormous direct cost to the State entailed by the endeavours to enforce these laws has been dealt with in paragraph 16 of this Report.

A précis of some of the evidence in support of this finding appears in Schedule II. attached to this Report.

With regard to Question III., your Committee is of opinion that the present state of affairs is an impossible one, and should immediately be put an end to.

Question IV. is dealt with later on in this Report (*vide* paragraph 37).

29. A number of witnesses, including Col. Truter (Commissioner of Police), Lieutenant-Colonel Vachell (Deputy-Commissioner of Police), Mr. T. G. Macfie (Resident Magistrate of Johannesburg), Mr. H. M. Taberer, Dr. Krause, Mr. Devenish, Mr. Alexander, and others, are of opinion that the illicit liquor traffic will only be stopped if Natives and coloured persons are allowed all kinds of drink, including spirits, subject to restrictions and under Government control.

30. Other witnesses, including Mr. J. de V. Roos (Secretary for Justice), Mr. Eaton (Commissioner of Customs and Excise), Dr. Dunstan, Dr. van Niekerk (representing the Transvaal Medical Council), Mr. Kelsey (representing the Transvaal Chamber of Mines), and others, suggest that Kaffir beer and light wines, subject to restrictions and under Government control, should be allowed. Two of the five Commissioners who in 1910 signed the Report of the Transvaal Liquor Commission were in favour of natural wine being supplied to Natives. All the Commissioners reported in favour of supplying coloured persons and Asiatics with any liquor, except spirits, to be consumed on the premises.

31. Your Committee has given the various suggestions made and remedies proposed by the witnesses who gave evidence (of which suggestions, etc., at précis appears in Schedule XII.) very serious, grave, and anxious attention and consideration, and is fully aware of the importance, seriousness, and gravity of the question to be decided. It is fully realized that any-

thing recommended can only be regarded as an experiment. But something must be done as soon as possible to put an end to the present appalling and deplorable state of affairs.

32. If your Committee considered it possible or probable that the grave evils at present existing would be remedied or materially reduced if Kaffir beer only were allowed, further than is done at present, this course would immediately and without hesitation have been recommended. After the most anxious and careful consideration, however, your Committee has come —in view of the very strong evidence that merely extending the existing opportunities for obtaining Kaffir beer, which are sanctioned by the present law (*i.e.*, that employers of fifty or more labourers may supply Kaffir beer, and that Kaffir beer may be brewed in rural areas distant more than twelve miles from a town, etc.), would be futile and of no avail —to the conclusion that allowing Kaffir beer only would be a mere palliative, and would in no way deal efficiently with the matter, or materially reduce the activities of the illicit liquor seller. Your Committee, therefore, cannot agree with the recommendation that Kaffir beer only should be allowed—in other words, that the present opportunities for obtaining Kaffir beer should be somewhat extended, and nothing further done.

33. It therefore remains to consider the other two suggestions, viz. (*a*) allowing all kinds of liquor, including spirits, and (*b*) allowing Kaffir and other beer and pure natural wine.

34. It may at once be stated that your Committee, whilst recognizing the fact that the witnesses who recommend allowing all kinds of liquor, including spirits, are well qualified to express an opinion in this matter, and that their opinion deserves serious consideration, does not see its way to recommend the allowing of spirits.

35. The remaining suggestion, viz., that of allowing beer and pure natural wine must, therefore, now be considered.

36. As above stated, had your Committee been able to see its way to recommend that beer only should be allowed, it would gladly have done so, but in view of the position, as disclosed by the evidence, it has with great reluctance and after long hesitation been compelled to come to the conclusion that Kaffir and other beer and pure natural wine of approved alcoholic strength should be allowed.

37. With regard to Question IV., therefore (*vide* paragraph 28), your Committee recommends that Kaffir and malt beer not exceeding 10 per cent. proof spirit and pure natural wine of approved alcoholic strength should be sold to Natives and coloured persons in canteens to be consumed on the premises under such restrictions and in such maner as to ensure that no drunkenness or disorderly conduct takes place.

38. These canteens should be under strict State control and be run by Government officials, and should, in addition to beer

and natural wines (the sale of which should not be "pushed") also supply non-alcoholic drinks.

The profits made by these canteens should be utilized for the benefit of the natives and coloured persons in such manner as Parliament may decide—so as not to create a source of revenue for the State. The element of profit-making should, as far as possible, be eliminated.

39. With reference to the manner of supplying Natives and coloured persons with beer and pure natural wine, your Committee recommends that the Governor-General should be empowered to fix and define by Proclamation, areas in the Transvaal Province within which canteens for the purpose of supplying those liquors to Natives and coloured persons will be opened by Government. The areas in question could be altered or extended as circumstances may require. The liquor should be consumed on the premises and should be of good quality. Regulations should be promulgated in connection with running the canteens, for preventing over-indulgence and drunkenness, and generally for the purpose of giving effect to the proposed scheme and for its being properly carried out.

40. Your Committee recommends that any *bona-fide* employer of coloured labour, should be allowed to give his coloured servant, who is regularly and *bona-fide* employed by him, a reasonable quantity of beer or pure natural wine to be consumed at the time in the presence of the employer or of his representative, on the premises or property where such servant is employed. The giving of such liquor to casual employees should be prohibited.

41. Your Committee's reasons for arriving at the above conclusion are, *inter alia*, the fact that it appears that the inhabitants of wine-drinking countries are, as a rule, far more sober than the inhabitants of spirit-drinking countries.

42. A very large number of the Natives resident and working in the Transvaal have unfortunately and unquestionably acquired a taste for strong drink, and there can be no doubt that they will not be satisfied with Kaffir beer only. Senator Schreiner (*Q.* 148) testified that "they (the Natives from Portuguese East Africa) distil liquor and drink strongly fortified wine imported from Portugal . . . and when they come to the Rand they must have something of the same kind. Kaffir beer will never satisfy them—and it is these people, *i.e.*, the Portuguese Natives, who are the great and principal *clientele* of the illicit liquor seller." Similar evidence was given by other responsible witnesses.

43. Whilst it is fully and clearly recognized that a considerable percentage of Natives is very abstemious in the use of liquor, and that a number of them are total abstainers, it appears clearly from the evidence that Natives have from time immemorial been accustomed to alcoholic beverages of varying strength, and that, notwithstanding the prohibition laws,

large numbers of Natives take liquor, and that apparently it will not be possible to prevent them doing so.

A précis of some of the evidence in support of this view will be found in Schedule VIII. attached to this Report.

44. It does not seem to your Committee at all likely that the large number of Portuguese Natives (82,604) on the Rand (to say nothing of Natives from other parts of South Africa) would be satisfied with Kaffir beer only, and that, consequently, the activities of the illicit liquor seller, as far as those Natives are concerned, would not be affected, unless provision for the use of wine be made.

45. It is considered that if Natives, etc., find they can obtain unadulterated liquor of good quality, as recommended in this Report, at a reasonable price, and have the right to consume it at their leisure, without fear of punishment, they will prefer patronizing the Government canteens to running the grave risks they at present do for the sake of getting liquor from the illicit dealer.

46. In the opinion of your Committee, while it is of great importance to consider the welfare of the Native population, the fact must not be lost sight of that owing to the present liquor laws in the Transvaal a state of affairs has been called into existence which enables Europeans and coloured persons to earn money without great difficulty and without much work in supplying the demand for liquor, and that large numbers of Europeans have become criminals in consequence. The effect of the present law as far as the European section of the population is concerned should be taken into consideration as well as its effect with reference to coloured persons.

47. No statute which does not find general acceptance amongst the public can be enforced. The successful results in many instances of "passive resistance" are well known. The fact that the present law is continually being broken by large numbers of persons, and that it is not possible fully to enforce its provisions, constitutes in the opinion of your Committee an unanswerable argument, in favour of its being amended.

48. Your Committee desires specially to refer to the valuable Report of the Transvaal Liquor Commission (the members of which were Mr. H. O. Buckle (Chairman), Sir Wm. van Hulsteyn, M.L.A., Mr. R. K. Loveday, M.L.A., Mr. G. G. (now Senator) Munnik, M.L.A., and Mr. T. N. de Villiers), which Commission was appointed by Lord Selborne on the 9th October, 1908, for the purpose of enquiring into the working of the Liquor Laws in the Transvaal, and which, after an exhaustive enquiry, and after taking evidence for a period of nearly 18 months in all parts of South Africa, including the Province of Mozambique, reported on 30th March, 1910. The Report has been of great assistance to your Committee.

49. The recommendations of this Commission with regard to the supply of liquor to Natives and coloured people were as follows:—

(1) The Government should proclaim areas within which canteens for Natives may be established.

(2) In such canteens the Government should sell to Natives for consumption on the premises only, wholesome Kaffir beer of an approved alcoholic strength. (Two of the five Commissioners were in favour of natural wine being included.)

(3) In these canteens suitable food should be supplied, either by the Government itself or by Native lessees of tables. Existing Kaffir eating-houses should be expropriated.

(4) Outside the proclaimed areas the existing law relating to the manufacture and consumption of Kaffir beer should be retained, subject to three modifications:

(*a*) Beer parties should not be allowed except upon written authority from the employer (if any) of the native host and from a responsible official.

(*b*) Each guest attending such a party should be required to have a permit from his employer (if any).

(*c*) The host should be liable to a fine if any crime of violence takes place at, or in consequence of, the party.

(5) Outside proclaimed areas *bona-fide* European employers should be permitted to give to their native servants liquor of the same class as is sold in native canteens.

(6) The sale to coloured persons and Asiatics, for consumption on the premises only, of any liquor except spirits should be legalised.

(7) *Bona-fide* European employers should be permitted to give to their coloured or Asiatic servants any liquor except spirits, provided that such liquor be consumed in the presence of the employer or his representative. Employers should not be allowed to give their labourers liquor to take away.

(8) On premises licensed for the sale of any specific class of liquor only, no liquor of any other class should be allowed, and such premises should not be permitted to have any entrance communicating with any other premises. A licence to sell such liquor should be, in all other respects, subject to the restrictions affecting a general retail licence. No new licence should be granted for sale to non-European-

or in respect of any premises within a distance of 50 yards from any premises licensed for the sale of liquor to Europeans, and *vice-versa*.

50. In its Report the Transvaal Liquor Commission (Section 17) stated:

"A policy of restriction is quite justifiable in principle. But it must be remembered that it necessarily creates an illicit trade in liquor which, where the restrictions are severe and the number of prohibited persons are large, attains the proportions of a very grave evil. On the Rand, for example, there exists, side by side with a prohibition which is nominally absolute, an enormous and continuous illicit sale of liquor to Natives. This sale is carried on with the regularity and permanence of a legitimate trade; the attempt to suppress it costs the country annually an immense sum in police, prisons, and all the machinery of the law; a large number of persons is always in prison for offences against prohibition; and the *minimum* penalty which can be inflicted for the selling of liquor to Natives is six months' imprisonment with hard labour, which may be increased upon a third or subsequent offence to as much as five years; yet these stringent endeavours to enforce prohibition have not succeeded in suppressing the illicit traffic."

51. The condition of affairs on the Witwatersrand, as disclosed by the evidence submitted to your Committee, is identical with what this Commission reported eight years ago.

52. Your Committee is satisfied from the evidence that the police have honestly, conscientiously, loyally and continuously done their best to enforce the laws prohibiting Natives and coloured persons from getting liquor. A reference to the enormous number of convictions (which, of course, does not include cases where the prosecution failed to convict) appears to be conclusive on this point. A précis of the evidence hereon appears in Schedule X, attached to this Report.

A large number of specially selected and experienced detectives and officers have been appointed to deal specially and exclusively with the illicit liquor traffic.

53. Certain of the other provisions of the Ordinance No. 32 of 1902 will now be considered.

54. Your Committee is of opinion that no good purpose would be served by restricting the sale of methylated spirits and rectified spirits to chemists, as suggested by some witnesses, and that such a course would cause great inconvenience. Your Committee may point out that, for the purposes of sale to Natives, methylated spirits and rectified spirits are already considered intoxicating liquors, and that

according to law methylated spirit has to be denatured and rendered impotable before sale.

55. Your Committee is of opinion that police and garrison canteens should be subject to the control of the Licensing Court, and should be allowed to sell liquor only for consumption on the premises and not for consumption by ordinary members of the public.

56. As a great deal of confusion has been caused by the facts that in the Transvaal Law no definition appears with reference to amounts of alcohol, your Committee recommends that the definition of intoxicating liquor should be by proof spirit and not of alcohol by weight or by volume.

57. Section *seven* (5) should be amended by a provision to the effect that a bottle-store keeper may sell liquor in "nips" and flasks—bottled in the Transvaal. The quantity of liquor in a "nip" or flask is usually about half a pint.

58. Section *seven* (4). The holder of a malt liquor licence should be allowed to sell beer by the bottle (quart).

59. Section *seven* (5), *Bottle Store Licences.* According to the evidence, this is a section which stands in great need of amendment. It appears that bottle stores are the main sources of supply of the liquor used in the illicit liquor trade, and they should, if possible, be placed under closer supervision and restriction than they are now. In fairness to many holders of bottle store licences, however, it should be added, that according to the evidence of the police, a very large number of them do their utmost to assist the police, and are careful not to sell liquor to any person connected with the illicit liquor traffic. It is recommended that in large urban and mining areas to be designated by the Governor-General, every European who wishes to purchase liquor for consumption off the licensed premises, either at a bottle store or from a wholesale dealer, should first obtain a permit from a commissioned officer of police. Such officer should have the right to refuse such permit, if for any reason he considers it not advisable that the applicant should obtain such permit, and should have the right to grant such permit for any period not exceeding 12 months. A permit so granted should be liable to cancellation if the holder thereof is convicted of any contravention of the Liquor Law, or if it is proved to the satisfaction of the officer, who issued the permit, that the holder thereof is connected with the illicit liquor traffic. The decision of any such officer as to the issue, refusal, or cancellation of a permit, should be subject to an appeal to the Commissioner of Police or a Deputy Commissioner of Police, whose decision in each case should be final. Every purchase of liquor made by any permit-holder should, at the time of the purchase or supply, be endorsed on the back of his permit by the licensee supplying him with such liquor, with particulars of such purchase and the date

thereof. The permit should be produced to any police officer to whom application for a renewal thereof is made.

60. Section *ten* (2). As Justices of the Peace are no longer appointed otherwise than to perform the functions formerly assigned to field-cornets, it follows that, as time goes on, the class of persons who are qualified to be members of a Liquor Licensing Court will be considerably reduced. It is therefore recommended that the Governor-General should be authorized to appoint any person as a member of such Court subject to the provisions *re* disqualification, as set forth in section *eleven* of the Ordinance.

61. The representatives of the South African Liquor Trade Defence Association suggested to your Committee that the Law should be so altered that Licensing Courts should be compelled to give reasons for refusing to renew a liquor licence, and that an appeal should lie from the decision of a Licensing Court to the Supreme Court.

It was submitted to your Committee that when a man has once obtained a licence and run the gauntlet of having his character enquired into by the police as to whether he is a fit and proper person to obtain a licence, and when once he has invested his money in the business and made it his life trade, he should have reasonable security that, subject to his good behaviour, he would be allowed to continue his trade.

The effect of the above suggestions, if carried out, would be that the renewal of licences once granted could not be refused except on grounds which a Court of Law would consider sufficient.

Your Committee has given these suggestions careful consideration, but in view of the fact that, generally speaking, the provisions of the Ordinance of 1902 with regard to the constitution and manner of procedure of Licensing Courts have answered well, is not prepared to recommend the above-mentioned alteration of the present law.

62. The representatives of the liquor trade further suggested that, if the police make a report against a licensee, a copy of that report should, without delay, be submitted to the licensee. Your Committee considers this a reasonable suggestion, as it appears that according to the existing practice, a licensee frequently does not hear of any objection to his licence or any unfavourable report against him by the police until a renewal of the licence is applied for. Thus it may, and does sometimes happen, that the alleged incident reported upon took place months before the licensee hears of it, and he is sometimes, therefore, not in a position to explain or refute the alleged irregularity or offence.

In the nature of things reports of this kind only refer to

irregularities for which no prosecution can be instituted, as otherwise, the licensee would, of course, be prosecuted.

63. Section *thirteen*. Your Committee recommends that all applications to the Licensing Court for transfers and removals should be advertised for a period of 14 days before being adjudicated upon.

64. Section *nineteen*. *Midnight privileges*. Your Committee recommends that the closing hour should be earlier than midnight, and should be fixed at 10 o'clock p.m., and not later, except that an hotel-keeper may supply *bona-fide* travellers arriving at his hotel and taking up their abode there for the night, with liquor at any time up to 12 o'clock, midnight. Bottle stores should open at 9 o'clock a.m., and close at 6 o'clock p.m., except on Saturdays and on the eves of public holidays, when they should close at 8 o'clock p.m.

65. Section *twenty*. Provision should be made giving Licensing Courts the power to compel the attendance of witnesses.

It has also been suggested that Licensing Courts should have the power to award costs in case a licence is opposed, either to the successful objector or against him, provided that in the latter case the Court is satisfied that his objections were frivolous and groundless. This your Committee recommends.

66. Section *twenty-five*. Objectors to the granting of renewal of licences should give notice in writing of the grounds of their objections to applicants within a reasonable time before the sitting of the Licensing Court.

Provision should be made giving deputations from religious and other bodies and organizations the right, after due notice to the Licensing Court to be heard by the Licensing Court, on general grounds for or against the granting or renewing of liquor licences, under due and proper safeguards against waste of time.

67. Section *twenty-six* (2). The personal attendance of an applicant for a licence should be dispensed with unless the applicant is notified by the Court that his personal attendance will be required.

68. Section *thirty-one*. (5). The Parsee and Chinese communities of the Transvaal urged that members of these communities should no longer be prohibited from obtaining or holding a liquor licence. Whilst realising that many members of these communities are highly respectable persons, your Committee regrets that it cannot recommend any alteration in this direction.

69. Section *thirty-eight*. The representatives of the liquor trade suggested that transfer of licences should be allowed unless there is police or public objection. In cases of such objection the Court should have the right to grant or refuse consent to the transfer. It was submitted that where there

is no objection taken to the transfer of the licence, the licence, which it is said has come to be looked upon as a commercial asset, should be allowed to change hands without any trouble, unless the proposed transferee is not a fit and proper person. It is also suggested that in all cases before such transfer is granted there should be due publication in the *Gazette* and in a local paper. Your Committee considers that this suggestion should be taken into consideration.

No transfer of a licence should be allowed from any person convicted of a serious contravention of any of the provisions of the law, such as selling liquor to natives or coloured persons, etc., or where the transfer is obviously sought in order to escape the risk of cancellation.

70. Section *thirty-five*. *Roadside Hotels.*—It is recommended that in future no new liquor licences be granted to roadside hotels. In the Orange Free State such licences were abolished in the year 1897 with satisfactory results.

71. Section *forty-six*. Your Committe recommends the abolition of the minimum penalty of six months' hard labour or more for the offence of selling liquor to prohibited persons.

With the exception of murder, there is no other crime for which a minimum penalty is provided by the law of the Transvaal.

It appears that this provision was inserted in the Ordinance because the illicit trade was mostly done by so-called "liquor kings," and was so profitable that fines did not act as a deterrent, and it was thought that imprisonment would do so. The provisions of Ordinance 8 of 1906 (the Permit Law) have, however, had the effect to a large extent of breaking up the organizations run by the "liquor kings," it being no longer easy to carry on the trade on a big scale, as the necessary quantity of liquor cannot be moved without the knowledge of the authorities.

From the evidence submitted to your Committee it appears that this provision of a minimum penalty has acted very harshly, and has been condemned by many judges and magistrates.

72. Section *forty-eight*. This section provides: "No coloured person shall . . . . be in possession of any intoxicating liquor." The meaning of this section, if strictly interpreted, would seem to be that coloured persons are not to be employed to deliver liquor to customers or consignees, since such coloured persons whilst on the road are certainly "in possession" of the liquor in the vehicles they are driving.

Your Committee understands that in practice the provisions of this section are frequently disregarded, and recommends that the law be altered to suit the circumstances.

Provision should, however, be made so as to prevent prohibited persons from being in possession of liquor on the plea that they are employees or messengers.

73. Section *fifty*. *Employment of females to serve at Bars.*—Your Committee understands that at present the law is often evaded by women becoming partners in, or part owners of, a liquor licence.

The prohibition should be made more clear and distinct, and should extend to their being employed in a bar at all, whether for the purpose of serving drinks or otherwise. An exception should be made in favour of those women who, under the present law, have taken up the business, as in doing so they have acted lawfully.

74. Section *fifty-six* (1). This makes it an offence for a licence holder to permit drunkenness or riotous behaviour, quarrels, etc., on his premises. It is recommended that provision should be made empowering a licence holder to cause persons who make themselves a nuisaance or misbehave on his premises to be ejected.

75. Section *sixty*. The words *prima facie* should be inserted before the word "evidence" in the following section (No. 61). It would be well if the same phrasing were used in both sections.

76. Section *seventy-four*. In view of the recommendation that reports made by the police should be communicated to the licensee without delay, the words "privileged statement" in this section should be amended.

77. Section *seventy-eight*. *Local Option.*—Your Committee recommends that the decision of a question of a licence or no licence, etc., should rest with the majority of the voters recording their votes, and such decision, whichever way it goes, should remain in force for three years.

The provisions of this section (*seventy-eight*) have been applied in the years 1909, 1912, and 1915, on three consecutive occasions at the township of Alberton, on the Witwatersrand. In consequence of the local option vote, no liquor licences have been issued there since 1909.

78. Liquor business should be brought within the provisions of the Registration of Businesses Act, 1909.

79. A prescription by a District Surgeon should authorise the sale of the prescribed amount of liquor to prohibited persons.

80. There should be power to arrest a drunken man on private premises at the request of the occupier, and drunkenness under such circumstances should be an offence.

81. It should be an offence to order food or drink and consume it in a licensed house without having the means and the intention to pay for it.

82. According to the evidence certain medical practitioners practising on the Witwatersrand and elsewhere sometimes give certificates to prohibited persons for the purpose of enabling them to obtain alcoholic liquor on the ostensible ground that such liquor is required for medicinal purposes.

In the circumstances in which some of these certificates are given, and having regard to the quantity of liquor ordered, it seems clear that the practitioners in question do not always exercise a proper discretion in granting the certificates.

It is, of course, difficult to interfere between a doctor and his patient, but your Committee would suggest that, if possible, some limit be placed on the quantity of wine and spirits a medical man should be allowed to give a certificate for to a prohibited person and the period for which such certificate may be granted.

83. The question of Labour Colonies, to which persons convicted of selling liquor illicitly should be sent, instead of being, as is the case at present, sent to a gaol where they get into touch and mix with ordinary criminals, has been considered by your Committee.

The Prison Act of 1911 makes provision that such offenders may, instead of being sent to gaol, be sent to a Farm Colony. This is left to the discretion of the Courts, but not much use has been made of this provision up to the present.

Your Committee is of opinion that the question of introducing legislation for the purpose of sending persons convicted under the Liquor Laws, as also first offenders in certain cases, as well as persons who have no visible means of support, should be taken into immediate and serious consideration. Many persons who are to-day hardened criminals might have been saved, if on their first conviction under the Liquor Laws they had been sent to a Labour Colony instead of being compelled to consort with ordinary criminals. (A précis of some of the evidence on this question will be found in Schedule XII. attached to this Report.)

84. It has been suggested that it would be in the interests of the Natives who go to the Transvaal for the purpose of working on the mines or elsewhere, to make provision for the retention by the employer until the expiration of the period of the native's contract, of a substantial portion of the employee's wages, which portion should, when the boy leaves for his home, be forwarded to the magistrate of his district, or some other responsible person, to be handed over to the Native on his return.

According to the evidence (*Q.* 664), this system has been tried with satisfactory results in conection with Natives recruited from Tembuland. The Native, whilst on the Rand, is only allowed so much of his wages as he actually requires during his stay there, and consequently has no money to spend on the illicit dealer. The balance of the wages is sent to the Native's district on his leaving the Rand.

Your Committee is of opinion that this suggestion deserves consideration.

85. Your Committee considered the question of eating-houses on the lines of the eating-houses in connection with

the Municipal Beer Canteens in Durban, being run in connection with the proposed canteens, but in view of the evidence that this may have the effect of encouraging "loafing" and hanging about the canteens (*Qs.* 233, 288, 378) by Natives, etc., this course is not recommended.

86. Section *seventy-nine* of Ordinance No. 32 of 1902 provides that the sale of liquor by retail in any village, town, or ward of a municipality may be placed under the sole and exclusive control of any local authority or of any company or association of persons formed for the purpose of devoting any profits made from the sale of liquor, or a portion thereof, to some public purpose by a vote to that effect of the majority of voters.

It would seem that the Gothenburg system has had the effect of very greatly reducing drunkenness and intemperance in Scandinavia, and it is a matter for regret that the provisions of above section, which are on the lines of the Gothenburg system, have never been applied.

87. The suggestion that railway rates for the transport of liquor should be increased, cannot be recommended by your Committee, as that would unfairly tax the inland inhabitants. The burden of taxation should be fairly and equally borne, and the railways should not be used as tax-gathering machines.

88. If it is considered that the cause of temperance will be served by making liquor more expensive, the Customs and Excise duties on spirits should be raised, as this will affect all sections of the community, and not those only who do not live at the coast.

89. A matter which requires immediate and thorough attention is the question of housing on the Rand. This is necessary in the interests of Europeans, Natives, and coloured persons. Under present conditions it is quite impossible for the police to deal effectively with the illicit liquor traffic. Europeans, Natives and coloured persons are allowed to mix indiscriminately in some of the yards and slums. The deplorable results of this state of affairs have been described by several witnesses, and is referred to in paragraph 24 of this Report. Further particulars will be found in Schedule No. II. It is a matter for consideration whether it is not the duty of the State to interefere in the public interest if and where local authorities either cannot or will not take steps to put an end to conditions which obviously lead to the ruin and degradation of a considerable section of the community.

90. Your Committee recommends that the first paragraph of section *fourteen* of Ordinance No. 8 of 1906 (Transvaal) should be repealed and the following provision substituted:

> "No person shall convey or cause to be conveyed from any premises in any town, village, or municipality where

there are more than 250 ratepayers to any other premises or to any place whatsoever liquor in quantities exceeding three quarts (whether in bottle or other receptacle) unless he is in possession of a permit issued by a member of a police force holding an office or rank designated by the Commissioner of Police as conferring authority to issue such permits. The officer so authorised to issue such permits may, in his discretion, withhold the issue thereof from any person, subject to appeal to the Commissioner of Police, whose decision shall be final."

91. Your Committee recommends the following addition to the Law, viz.:—

"If it shall be proved to the satisfaction of any competent Court of Law that any vehicle was employed with the knowledge or consent of the owner thereof, or in circumstances in which such owner can be reasonably supposed to have had such knowledge or to have given such consent, for the purpose of conveying liquor to be sold, delivered, or supplied in contraventin of the provisions of this Act, such vehicle may by order of such Court be confiscated to the Public Revenue."

92. Evidence was given before your Committee in connection with liquor licences granted in townships which were laid out in the Transvaal prior to the Townships Act (No. 33—1907).

The Liquor Law Amendment Act, No. 33—1909, provides that a general retail licence can be granted in a "town" irrespective of the number of inhabitants. The definition of "town" in the Act of 1909 is as follows:

"Town" shall mean . . . a township approved under the Townships Act, 1907, or any amendment thereof . . ."

The Townships Act does not expressly legalise or approve of townships laid out before the passing of the Act, and it was not clear whether licences which had been granted before the passing of this Act (Liquor Amendment Act, 33—1909)—upon the basis of the number of inhabitants, etc.—were protected by this definition of "town."

In order to remove any doubt, the following clause was inserted in section *four* of Act 33, 1909:—

"Nothing in this section contained shall be construed as preventing the renewal at any time of a licence existing at that time."

Subsequent to 1909 Licensing Courts in the Transvaal granted licences in others of the townships above referred to, probably under the impression that these licences were legal under the definition of "town" above referred to. It has

now been questioned whether these licences were legally granted, and it was suggested to your Committee that a provision similar to the sub-section above quoted should be made in order to settle any doubt as to the legality of existing licences in the townships above referred to.

Your Committee regrets that it cannot recommend this.

93. Considerations of space, and the very limited time at its disposal, have prevented your Committee from doing more than dealing in this Report as briefly as the grave importance of the subjects allows, with the various matters on which evidence was given before it, and in terms of the reference of this House.

94. It is hoped that the recommendations made will, if put into operation, have the effect of improving, if they do not put an end to, a state of affairs which is a disgrace to our country.

95. In conclusion, your Committee is of opinion and recommends that the Government should at the earliest possible moment introduce legislation in terms of this Report.

EDW. ROOTH,

Chairman.

Committee Rooms,

House of Assembly,

25th April, 1918.

THE "VOLKSTEM'S" AMAZING PLEA.

The Government Organ first Stoops to Misrepresentation and Distortion in dealing with the Rooth Report, and then Urges its Readers to Submit Resolutions at Public Meetings Imploring the Government to Pass the Report into Law.

[*Reprinted from* "THE TRIBUNE," *August, 1918.*

We translate for the information of our readers a leading article which appeared in *De Volkstem* of June 6, under the heading: "Let Our Public Speak Now." Our attention was first drawn to this article the other day by seeing some extracts from it in a Cape exchange; otherwise we should have dealt with it long ago. We have in various places interjected in brackets some comments of our own, as these seemed to be highly necessary. The article is as follows:—

It may be at present accepted that as regards the public and the press generally the Transvaal Liquor Law question has been discussed to a finish. [*On the contrary,* the Volkstem *will soon find occasion to realise that the real discussion on this question is only beginning.*] The movement for terminating the existing shameful conditions and establishing new and better measures has been in operation for several years. [*This is a delightful euphemism to express the fact that for many years the liquor interests have cast longing eyes at the natives, and they now think the hour has come to strike.*] The arguments in favour of a change have appeared so overpowering, and have been especially brought to light so clearly and convincingly by the last Liquor Law Select Committee of the House of Assembly, that there has been scarcely any mention of opposition. [*This is cool. The House had no opportunity of discussing the Report, the Dutch Reformed Church of the Transvaal, which represents* ons volk *far better than the* Volkstem *does, sent a witness specially to declare to the Committee that it desired no relaxation of the existing prohibitory law, and as for further opposition, the* Volkstem *need only wait and see.*] To repeat the arguments here would be like employing a rock to crush a fly. [*The interests of the four and a half million natives in the Union may, from the* Volkstem *point of view, be aptly compared to a fly, but the rock of argument is going to be subjected to some dynamiting before the finish is reached.*] Still, our public has hitherto been in want of a definite proposal of amendment. All are agreed that in the plain interests of our community the exist-

ing conditions should not continue a day longer, but exactly how one should set to work to obtain the desired improvement—that one did not know equally well. This matter is provided for in the proposals of the above-mentioned Committee [*The path of "improvement" set up is a broad one, and it leads just where the Biblical broad path does.*]

The time has accordingly arrived for our public to make itself heard upon the question, and therefore we wish here to suggest that at all open meetings a resolution be passed, by all parties in our land, whereby the people indicate their approval of the recommendations made and urge legislation, even during the next session of Parliament. Here we have now a matter in which all parties, and especially both Afrikaner parties, can work together with the greatest freedom. The same resolution can be taken by S.A.P. and Nationalists in all Provinces, inasmuch as this question has absolutely nothing to do with party interest, and because men of both parties ask for the abolition of the prohibitory provisions. [*Really, if* toenadering *can only be accomplished over the corpse of the native, wouldn't it be as well to leave* toenadering *alone? As for party interests, if it were not that both parties are out for the wine-farming vote, there would soon be a sharp line of cleavage between them on the liquor question.*] Well, members of Parliament will soon be beginning with their meetings, and the delegates to the Congresses which have been held will be calling the public together in order to give a report. Not one of these opportunities to support the matter should be missed. With the object of making things as easy as possible for our public [*how considerately thoughtful!*], and at the same time to secure a little uniformity, we desire to suggest that the people at these meetings adopt a resolution of the following tenour: "This meeting, having observed the Report of the Liquor Law Committee of the House of Assembly with regard to the working of the Transvaal Liquor Laws, and in view of the pernicious results and misery caused by these laws, especially amongst the white population, who are ruined as the result of a hopeless endeavour to prevent coloured people and natives from getting strong drink, respectfully and urgently begs the Government to introduce without delay legislation in accordance with the aforesaid Report." [*The poor white class is not created by the illicit liquor traffic, but by economic conditions, and if the illicit liquor traffic could be entirely removed to-morrow the poor white classes would remain. The* cause *must be tackled if the poor white problem is to be solved, and as long as these people remain in their present condition the weak amongst them and the hardest pressed will succumb to other temptations to crime if the opening afforded by the illicit traffic be taken away. According to an official table printed by the Select Committee the number of Europeans convicted of illicit liquor-selling in the whole of the Transvaal last year* (1917)

was 428. *Deducting from this total* 159 *persons who had previously been convicted of this crime, and* 45 *others who had previously been convicted of other crime, we reach an aggregate of* 224 *as the yearly toll of those who become acquainted with prison through yielding to the temptation of illicit liquor-selling. To save these* 224 *Europeans from succumbing to* this particular temptation, *the* Volkstem *wishes to imperil* 4½ *millions of natives. And it must be obvious, in addition, to everyone who is not either hopelessly stupid or hopelessly biassed, that the plan proposed by the Select Committee and applauded by the* Volkstem *will not save a single European from this temptation. The illicit sale as undertaken by Europeans is, one may say, confined to* brandy; *the Select Committee did not dare to propose to allow the native to procure brandy at the Government drink-shops, and that section of the natives which has acquired an imperious desire for brandy will still obtain it illicitly through the present-day channels.*]

And if there should still be people who need to be convinced of the pressing necessity of immediate action in this spirit, then the proposers of such a resolution have only to point out the following facts:

1. The Liquor Law was introduced after the late War for Freedom, when the Transvaal and the Free State had no representation of their own people, in the hope to keep the native labourers of the gold mines sober, and with no other object. [*We think this is the rankest instance of dishonesty of statement we have ever come across in controversial journalism. The law setting up Prohibition to natives was first enacted in* 1896, *and was renewed in* 1898; *on both occasions by the Z.A.R. Volksraad in Republican times. The Liquor Ordinance of* 1902 *simply continued what was the existing law, inherited from the Republic. These facts are stated in the Report of the Select Committee.*]

2. To that end the furnishing of strong drink to Kafir or coloured persons, an act which elsewhere in our Union is completely lawful, was declared a crime, punishable with heavy imprisonment. [*The* Volkstem *must know that the sale* or supply of *intoxicating liquor (Kafir beer not being classed as intoxicating liquor) to natives was made a punishable offence in Natal in* 1896; *that in* 1883 *the Free State Volksraad made it similarly an offence with the exception that the European employer could give his native employee one drink per day, to be consumed in the employer's presence, and that in many States of the American Union it is to-day a punishable offence to furnish strong drink to a* white *person.*]

3. During the 16 years which have since elapsed 168,000 persons, of whom 30,000 were white men and women, were condemned to imprisonment under this law in Johannesburg and Pretoria alone. [*This is a further instance of rank dishonesty of statement. This aggregate of* 168,000 *is obtained by adding together the totals of all convictions, whether the*

offence is chargeable against the Prohibition law or not. Are the 22,160 *European convictions for drunkenness, and the* 74,102 *native ditto, to be debited to the law prohibiting the sale or supply of liquor to natives? Does the* Volkstem *think that if there had been no Prohibition to natives there would have been no drunkenness on the part of either white or black? Not at all; it is simply trying to mislead its readers. The total number of* European *convictions for the only offence connected with prohibition to natives which white people can commit—illicit sale or supply to natives—was* 8,124, *and to arrive at the number of persons a deduction of at least* 23 *per cent. must be made from this total, as the Select Committee admits this to be the proportion of those convicted more than once.* Native *convictions for illicit sale numbered* 7,290, *and for illicit possession* 56,835. *This gives a grand total of* 72,249 convictions, *instead of the* 168,000 persons *so disingenuously stated by the* Volkstem.]

4. It cost the Transvaal millions of pounds to carry out this law, and it is still costing the Union a quarter of a million sterling every year. [*The* Volkstem, *without a blush, adds a cool* £50,000 *per annum to the figure stated by the Select Committee. The figure of* £200,000 *per annum is arrived at by calculating* 23 *per cent. of the prison, police, and court expenditure for the Transvaal. We invite the Select Committee and the Volkstem to carry this system of reasoning a step further. Drink (whether the liquor be licit or illicit) has been stated by eminent legal authorities as responsible for from* 75 *per cent. to* 90 *per cent. of crime. Let us be ultra-cautious, and say* 50 *per cent. only. At this rate drink-caused crime is costing the country about a million pounds per year. Which is the more sensible course, to abandon Prohibition to natives for the purpose of saving* £200,000 *per annum, or to sweep away the drink traffic as a whole and save* £1,000,000 *per annum?*]

5. Everyone who has to do with the carrying out—magistrates, police, and mine managers—declare that the law is a hopeless failure; that all Kafirs are able to procure as much liquor as they can pay for. [*The gross exaggeration contained in this statement by "magistrates, police, and mine managers" is shown by the admission of the Select Committee that "these (Prohibition) laws have undoubtedly had the effect of very greatly diminishing drunkenness amongst the natives, especially on the Witwatersrand"; the admission by Mr. MacFie, Magistrate of Johannesburg, that he would not say the present law does not do good, that the position on the Rand with free sale to natives would be appalling, that the evil of the present law is not so much to the native as to the European; the admission by Head Constable Vowell, the detective who has charge of the actual handling of the position in Johannesburg, "From my knowledge of what is going on,* I know that the actual amount of liquor going to the natives

is considerably less than it used to be—*that the deliveries have greatly decreased.*"]

These arguments rest on incontrovertible facts. Why, consequently, should we any longer endeavour to carry out a law which produces so much harm, costs such quantities of money, and yet remains impracticable? Why should we any longer suffer our poor white population to fill the gaols, and then build more gaols to fill them with more poor whites? Why systematically weaken the public conception of law in other directions as well, by a foolish persistence in a measure the contravention of which is not regarded even by the court of justice as a disgrace? Why, from a moral standpoint, protect the Kafir against his lusts and sacrifice the white man and white woman to them? [*The first two of these impassioned queries have already been answered. The third can be easily settled. Let the Editor of the* Volksstem *try the illicit game, allow himself to be caught, and then see whether he has not disgraced himself in the eyes of the Court and of his fellow-citizens as well. The fourth we can only characterize as* hellish *in its subtle perversion of the facts of the case. One of the objects of the Prohibition law is to protect the white woman, surrounded by raw and undisciplined natives, against the lust which alcohol inflames and brings to the surface in all such natures, whatever may be the colour of their skins. The Commission on Assaults on Women laid its finger on drink as largely responsible for this class of crime. It is the lust after money and yet more money on the part of the liquor interests which is at the bottom of this attempt to bring the native population of South Africa into their net.*]